

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held April 10, 2003**

**Attendees: Chairman Elia Germani, Commissioner Racine, Commissioner Brenda Gaynor, Steve Frias, Cindy Wilson, Thomas Massaro, Alan Nault, Douglas Hartley and Luly Massaro.**

**Chairman Germani called the open meeting to order at 10:30 A.M. in the first-floor hearing room of the Public Utilities Commission. A quorum was present.**

**Competitive Telecommunications Service Providers:**

The following company registered to operate in R.I. The Division has reviewed the registration and recommends approval of:

2262(G18) – Consolidated Communications Operator Services, Inc.

Chairman Germani asked for a motion and Commissioner Racine moved to approve the registration. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

The following companies submitted tariff revisions. The Division has reviewed the tariff filings and does not recommend suspension of:

2449 – Brooks Fiber Communications of RI

2621 – MCI WorldCom Communications, Inc.

2426 – TGC Rhode Island

2618 – AT&T Communications of New England, Inc.

2878 – Choice One Communications, Inc.

2262(W1) – National Accounts, Inc.

2262(K5) – Alltel Communications, Inc.

2262(P15) – Frontier Communications of America, Inc.

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

The following company ceased operations and requested that its authority to operate in RI be recalled and rescinded. The Division supports the requests:

2262(X13) – ACN Communications Services, Inc.

After review, Chairman Germani asked for a motion and Commissioner Racine moved to rescind and recall the authority to operate of the company. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

**Verizon RI Interconnection Agreements (ICAs):**

The following ICA was submitted for approval. The Division has reviewed the filing and recommends approval of:

3273 – Amendment No. 1 to ICA entered between Verizon RI and Level 3 Communications, LLC

After review, Chairman Germani asked for a motion and Commissioner moved to approve the filing. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

**3499 – Verizon Rhode Island (Verizon):** Verizon submitted a tariff filing to introduce unbundled “Port Only Frame Relay Service” for those customers requiring only direct connection with specific band with throughput for effect April 20, 2003. After review, the Commission followed the Division’s recommendation that the tariff filing be allowed to go into effect without suspension.

**3256 – Verizon Rhode Island:** This docket relates to the Commission’s review of Verizon’s services provided to Competitive Local Exchange Carriers (CLECs) under the Performance Assurance Plan (PAP). Verizon’s filed a Petition for a Waiver of Certain Service Results Measured under the PAP for January 2003 that would otherwise be included in the calculation of monthly bill credits due to CLECs under the provisions of PAP. Verizon seeks the waiver due to the effect of an internet computer attack by a “worm” (the “Slammer Worm”). The Division and CLECs (WorldCom, AT&T and Cox Communications) submitted comments in opposition to the motion. Verizon filed a reply requesting that the Commission hold a technical session to establish a complete record and seeking a stay of its obligation to issue credits for the January 2003 period until such time as the Commission ruled on its waiver request. After discussion, Commissioner Gaynor moved to hold a hearing on Verizon’s motion for a waiver and to deny Verizon’s request for a stay subject to adjustment based on the outcome of the hearing. The motion was seconded by Commissioner Racine and unanimously passed. **Vote 3-0.**

**1725 – Regulations Governing the Termination of Residential Utility Service:** On behalf of the George Wiley Center, Henry Shelton filed a request seeking an extension of the winter moratorium until May 1, 2003. The moratorium expires on April 15, 2003. After discussion, Commissioner Racine moved to deny Mr. Shelton’s request to extend the winter moratorium. She requested that the utilities consider adding to the “Protected Status Customers” category those customers (primary provider or head of household) who are presently serving in the war in Iraq. Those families unable to meet their financial obligations should be able to provide written documentation to the utilities regarding their status as qualifying military families. With respect to the utilities’ commencement of terminations of residential utility service due to the expiration of the moratorium, Commissioner Racine also requested that the utilities prioritize terminations based on the highest residential arrearages over those with more manageable balances. The motion was seconded by Commissioner Gaynor and unanimously passed. **Vote 3-0.**

**3506 – Regulations Governing the Governing the Filing of Annual Reports by Water Carriers:** The Commission issued regulations and initiated a rulemaking proceeding to solicit comments on proposed rules and regulations intended to govern the submission of financial annual reporting by water carriers. A hearing is scheduled for May 9, 2003 and comments will be accepted until May 19.

**3400 – Examination of the Feasibility of Implementing a Debt Forgiveness Program:** Atty. Cindy Wilson noted that during a working group meeting held yesterday for Docket No. 3400, Alex Moore from ACORN provided her with a stack of requests (in form of a postcard), individually signed by members of the public, requesting that the Commission set a hearing date on the “Affordable Energy Bargain”. Atty. Wilson noted that the “Affordable Energy Bargain” has not been filed with the Commission; however, a procedural schedule, including public meetings will be set once it is filed.

There being no further business to discuss, the open meeting adjourned at 10:30 A.M.